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OFFICE OF PETITIONS

In re Application of :
Tran, et al. :
Application No.: 10/084,757 :
Filing Date: October 19, 2001 :
Attorney Docket No. :

ON PETITION

This is a decision on the petition under 37 CFR 1.47 filed January 11, 2005. The petition will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.175 and accept the supplemental reissue declaration with the signature of inventor Li.

The petition is **granted**.

Petitioner requests that the supplemental reissue declaration be accepted without the signature of inventor Li, as inventor Li is unavailable. It is noted, that in this case, 37 CFR 1.175 requires the filing of a supplemental reissue declaration signed by all named inventors, yet petitioner has demonstrated that inventor Li is unavailable. In such a case, Section 1414.01 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

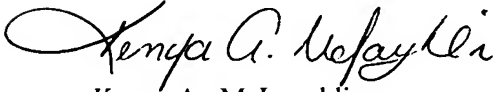
[if] a joint inventor refuses or cannot be found or reached to sign a supplemental oath/declaration, a supplemental oath/declaration listing all the inventors, and signed by all the available inventors may be filed provided it is accompanied by a petition under 37 CFR 1.183 along with the petition fee, requesting waiver of the signature requirement of the non-signing inventor.

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.175 so as to accept the supplemental reissue declaration filed January 11, 2005, without the signature of inventor Li. The petition is granted, the requirement of 37 CFR 1.175 that all named inventors execute the supplemental reissue declaration is waived, and the supplemental reissue declaration without the signature of inventor Li is acknowledged and made of record.

The fee for the petition under 37 CFR 1.183 is \$400.00 as per 37 CFR 1.183 and 1.17(f). The amount of \$200.00 for petition related fees. This amount will be use towards the satisfaction of the instant petition fee, and deposit account 06-1075 will be charged an additional \$200.00.

The application file will be forwarded to Technology Center 2800 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

A handwritten signature in black ink, reading "Kenya A. McLaughlin". The signature is fluid and cursive, with the first name "Kenya" starting with a large, looping capital 'K'.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions